

REMARKS/ARGUMENTS

Reconsideration and allowance of the subject patent application is respectfully requested. Claims 1-14 are currently pending.

The specification has been amended to correct for various typographical and grammatical errors where appropriate. Minor wording changes/insertions have been made to clarify the existing written expression of the subject matter disclosed. The amendments are fully supported by the original disclosure and, thus, no new matter has been added. If the Examiner should disagree, however, it is respectfully requested that the challenged limitation be pointed out with particularity in the next Action so support may be cited in response.

Claim 5 has been amended to correct a minor typographical error.

Re the 35 U.S.C. §102 Rejection:

The rejection of claims 1-14 under 35 U.S.C. §102(a) as allegedly being anticipated by the “Chocobo World – Final Fantasy 8” online strategy guide publication (allegedly published online on September 15, 2000) is respectfully traversed for at least the reasons set forth below.

The Chocobo World reference fails to teach or remotely suggest the features as set forth in any of Applicants’ currently pending claims, and specifically independent claims 8, 9, 10, 11, 13 and 14. Applicants’ claimed invention is patentably distinct from the features and operation of the Chocobo World game as disclosed in the cited online strategy guide, for at least the following reasons:

Items acquired during gameplay of Chocobo World (i.e., Chocobo’s item inventory) are transferred into a player’s item inventory in the Final Fantasy 8 (FF8) game *at the user/player’s discretion* in response to the selection of appropriate File Save menu items/options *by the*

user/player. More specifically, as described in the cited online strategy guide in the paragraphs under the heading “Importing Chocobo World items into FF8”, the inventory of items or obtained by the Chocobo character during gameplay of the Chocobo World game are saved and may be *manually* transferred into a FF8 player’s item inventory storage (for later use in the FF8 game) *in response to the user/player accessing the FF8 File Save screen and selecting the appropriate displayed menu options*. In other words, transfer of data – be it an item inventory or “backup data” – occurs under user control at the user’s discretion and solely by menu selection operations performed manually by the user. In contrast to applicants’ implementation for saving game backup data, a determination to transfer game data from one game to another is not performed automatically by the game program being played nor is that determination based upon whether or not a particular *predetermined gameplay condition is satisfied during the course of gameplay progression*. Moreover, it is apparent from the cited online strategy guide that although item inventory information may be manually transferred from the Chocobo World game to the FF8 game, that information is clearly not written into *both* a backup data storage area for the Chocobo World game and a backup storage area for the FF8 game at the same time, nor is it done so *automatically* at the time that a particular predetermined condition is being accomplished *during gameplay by the game being played*, in the manner as set forth in Applicant’s independent claims.

Applicants respectfully submit that the cited online strategy guide reference fails to teach or suggest at least applicants’ claimed feature of determining whether or not a predetermined gameplay condition is accomplished during the progress of a game being played and autonomously writing, at a time when it is determined that the predetermined condition is accomplished, information relating to that predetermined condition to *both* a backup data storing

area associated with the game currently being played and to a backup data storing area of another game that is not currently being played, in the manner as set forth in applicants' independent claims.

Consequently, for at least the above stated reasons, Applicants respectfully contend that the cited online strategy guide does not anticipate claims 1-14 because it does not disclose every element as set forth in those claims. See Lemar Marine, Inc. v. Barient, Inc., 3 U.S.P.Q. 2d. 1776 (Fed. Cir. 1986).

Re The 35 U.S.C. §103(a) Rejection:

The rejection of claim 13 under 35 U.S.C. §102(a) as allegedly being unpatentable over the Chocobo World Strategy Guide reference is respectfully traversed. At least one patentably distinct feature set forth in applicants' claim 13 which is not disclosed or suggested by the cited online strategy guide is a computer program product embodied on a computer-readable storage medium which comprises program instruction means for determining whether or not a predetermined condition is accomplished during gameplay progress, and which also includes program instruction means for writing information relating to the predetermined condition to both a backup data storage area associated with the game in which the predetermined condition was accomplished and also to a backup data storage area of another game in which gameplay is not currently in progress. As pointed out above, these patently distinct features are neither disclosed nor suggested by the cited online strategy guide or by any other prior art reference of record.

As pointed out above, the cited Chocobo World reference at best discloses the *manual* transference of game data by the user from a previously played game that is not currently being

played (i.e. Chocobo World) to a separate and distinct different game (i.e., FF8) by using specific menu selection options provided by the receiving game user interface. Accordingly, the cited online strategy reference clearly does not teach or suggest a program instruction means for determining whether or not a predetermined condition is accomplished during gameplay progress of a game that was selected and instructed to be started or a program instruction means for “writing, upon determining that the predetermined condition is accomplished, information relating to the predetermined condition to both said backup data storing area of at least one game in which a predetermined condition is accomplished and to said backup data storing area of another game in which gameplay has not been started by said game operation controller”, as set forth in applicants’ claim 13.

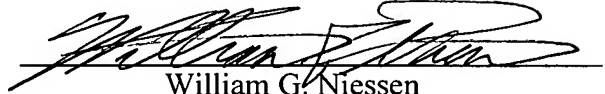
For at least the above reasons, Applicants respectfully contend that at least Applicants’ independent claims 8, 9, 10, 11, 13 and 14 are patentably distinct and not obvious over the Chocobo World reference, considered either alone or in combination with any of the prior art of record. Moreover, it is submitted that dependent claims 2-7 and 12 are patentably distinct over the teachings of the Chocobo World reference for at least the same reasons as set forth above with respect to Applicants’ independent claims.

In view of Applicant's foregoing remarks, it is believed that the application is in condition for allowance. Favorable consideration and allowance of this application are respectfully solicited. If any small manner remains outstanding, the Examiner is encouraged to telephone Applicants' representative at the telephone number listed below or on the following page.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read 'William G. Niessen', written over a horizontal line.

William G. Niessen

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